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25/10/07

HIGH COURT OF CHHATTISGARH, BILASPUR (C.G)
W. P.No. 1395 of 2003

PETITIONERS

1. Shri Kamal Narayan Sahu, aged 48 years, s/o late Ganesh Ram Sahu, Assistant Teacher, Primary School, Pendari, Distt. Rajnandgaon (C.G).
2. Shri Kamta Prasad Baghel, aged 43 years, s/o Shri Chunnilal Baghel, Assistant Teacher, Primary School, Tumdilewa, Distt. Rajnandgaon
3. Shri Jaynandan Sahu, aged 43 years, s/o Ghanaram Sahu, Assistant Teacher, Middle School, Bendarkata, Distt. Rajnandgaon.
4. Shri Yogesh Kumar Gangber, aged 40 years, s/o Shri Gautamlal Sahu, Assistant Teacher, Primary School Aasra, Distt. Rajnandgaon
5. Shri Rajendra Kumar Vaishnav, aged about 40 years, s/o Shri Prahlad Das Vaishnav, Asst. Teacher, Middle School Aasra, Distt. Rajnandgaon.
6. Shri Kartik Ram Yadav, aged 40 years, s/o Deen Dayal Yadav, Asstt. Teacher, Middle School Rengakathera, Distt. Rajnandgaon.
7. Smt. Meenakashi Yadav, aged 39 years, w/o Kartik Ram Yadav, Asstt. Teacher, Primary School, Bhathalumari, Distt. Rajnandgaon
8. Smt. Rukhmani Sahu, aged 39 years, w/o Ramkrishna Sahu, Asstt. Teacher, Girls Primary School, Utai, Distt. Rajnandgaon
9. Shri Dinesh Kumar, aged 42 years, s/o Samaru Ram Sahu, Asstt. Teacher, Middle School Parmalkasa, Distt. Rajnandgaon
10. Shri Kisandas Sahu, aged 43 years, s/o Chhotudas Sahu, Asstt. Teacher, Primary School Bhanwarmara, Distt. Rajnandgaon
11. Shri Mukundram Meshram, aged 41 years, s/o Gaindlal Meshra, Asstt. Teacher, Middle School Bital, Distt. Rajnandgaon
12. Shri Rohidas Aarya, aged about 54 years, s/o Sukaluram Aarya, Asstt. Teacher, Hr. Sec. School, Badratola, Distt. Rajnandgaon
13. Phag Singh Kunjam, aged 41 years, s/o Hagru Ram Kunjam, Asstt. Teacher, Primary School Pipariya, Distt. Rajnandgaon.
14. Shri Vipat Ram Banjare, aged 52 years, s/o Baisakhu Ram Banjare, Asstt. Teacher, Primary School, Raka Distt. Rajnandgaon

15. Shri Ganga Das Sahu, aged 45 years, s/o Shivcharan Sahu, Asstt. Teacher, Primary School Bhadera, Nawagaon, Distt. Rajnandgaon
16. Shri Jagdish Verma, aged 40 years, s/o Nanduram Verma, Asstt. Teacher, Middle School Saloni, Distt. Rajnandgaon.
17 Vidya Bhushan Hirwani, aged 41 years, s/o Sagun Singh Hirwani, Asstt. Teacher, Middle School, Aari, Distt. Rajnandgaon.
18. Laxmi Prasad Srivas, aged 43 years, s/o late Shri Jageshwar Prasad, Asstt. Teacher Primary School, Sheliyari, Distt. Rajnandgaon
19. Ramkisun Dewangan, aged 42 years, s/o Lewaram Dewangan, Asstt. Teacher, Primary School, Dhangaon, Distt. Rajnandgaon.
20. Murari Yadav, aged 41 years, s/o Durga Prasad Yadav, Asstt. Teacher Primary School Bakal, Distt. Rajnandgaon
21. Dilip Kumar Sahu, aged 40 years s/o Rooplal Sahu, Asstt. Teacher, Primary School, Indamara, Distt. Rajnandgaon
22. Churamanlal Sonhar, aged years, s/o Latkhor Sonkar, Asstt. Teacher, Middle School, Margaon, Distt. Rajnandgaon
23. Dhaniram Taram, aged 42 years, s/o Paltan Das Taram, Asstt. Teacher, Primary School, Neechekohda, Distt. Rajnandgaon
24. Jagannath Sao, aged 42 years, s/o Bhanuram Sahu, Asstt. Teacher, Primary School Ku. Bhathagaon, Distt. Rajnandgaon
25. Devsingh Kunjam, aged 42 years, s/o Ram Prasad, Asstt. Teacher, Primary School Charbhata, Distt. Rajnandgaon
26. Harishchandra Kormi, aged 42 years, s/o Tulsiram, Asstt. Teacher, Primary School, Joshilagati, Distt. Rajnandgaon
27. Naresh Kumar Netam, aged 42 years, s/o Murharam Dewangan, Asstt. Teacher, Primary School, Daihan, Distt. Rajnandgaon
28. Ramjilal Paikra, aged 45 years, s/o Bishal Singh Paikra, Asstt. Teacher, Primary School Pandutola, Distt. Rajnandgaon.
29. Jyotishram Yadav, aged 42 years, s/o Bidesh Ram Yadav, Asstt. Teacher, Middle School, Khujji, Distt. Rajnandgaon.
30. Santrao Borkar, aged 39 years, s/o Shri Thakurram Borkwar, Asstt. Teacher, Primary School, Neeche Kohda, Distt. Rajnandgaon

31. Chetan Singh Koram, aged 40 years, s/o Shri Kripal Singh Koram, Asstt. Teacher, Primary School, Shikari, Matka, Distt. Rajnandgaon.
32. Smt. Sewanta Darwade, aged 40 years, w/o Suresh Darwade, Asstt. Teacher, Primary School, K.Dongargaon, Distt. Rajnandgaon
33. Khorbahra Ram Vishwakarma, aged 42 years, s/o Dev Prasad Vishwakarma, Asstt. Teacher
34. Udla Ram Thakur, aged 45 years, s/o Brijlal Thakur, Asstt. Teacher, Primary School, Pathri Gunjan, Distt. Rajnandgaon
35. Rewaram Deshlahre, aged 40 years, s/o Dashram Deshlahre, Asstt. Teacher, Middle School Mahroom, Distt. Rajnandgaon.
36. Teerath Ram Dewangan, aged 40 years, s/o Hajarilal Dewangan, Asstt. Teacher, Primary School, Darri, Distt. Rajnandgaon.
37. Rashtrapal Gajbhiye, aged 44 years, s/o Baboolal Gajbhiye, Asstt. Teacher, Middle School, Charbhatha, Distt. Rajnandgaon.
38. Jaikumar Gajbhiye, aged 42 years, s/o Babulal Gajbhiye, Asstt. Teacher, Middle School, Salhe, Distt. Rajnandgaon.
39. Smt. Jhuniya Koma, aged 40 years, w/o Shri Jethuram Koma, Asstt. Teacher, Primary School Parewadeeh, Distt. Rajnandgaon
40. Ramsingh Mandloi, aged 43 years, s/o Shri Rohidas Mandloi, Asstt. Teacher, B.T.I. Dongargaon, Distt. Rajnandgaon
41. Ashutosh Kumar Lal, aged 43 years, s/o Obed Kumar Lal, Asstt. Teacher, Primary School Kekti Tola, Distt. Rajnandgaon.
42. Ku. Usha Tarane, aged 40 years, (after marriage Smt.Usha Lal) s/o Ashutosh Kumar Lal, Asstt. Teacher, Primary School, Haathi Kanar, Distt. Rajnandgaon.
43. Ajit Lal Sahu, s/o Kanwaldas Sahu, aged about 50 years, Asstt. Teacher Govt. Middle School Bijebhatha, Post Arjuni, Tah. Dongargaon, Distt. Rajnandgaon
44 Gandhulal Dewangan, s/o Shri Devchand Dewangan, aged about 44 years, Asstt. Teacher, Govt. Middle School, Bijabhatha, Post Dongargaon, Tah. Dongargaon, Distt. Rajnandgaon (C.G).
45. Rooplal Sahu, aged 45 years, s/o Shri Harishchand Sahu, Asstt. Teacher, Govt. Primary School Shikari Mahka, Distt.

Rajnandgaon

46. Girdhari Ram Thakur, aged 42 years, s/o Shri Moti Ram, Asstt. Teacher, Middle School Dhangaon, Distt. Rajnandgaon
47. Birendra Bahadur Vaishnav, aged about 42 years, s/o late Shri Shatruhan Das, Asstt. Teacher, Middle School Reewagahan, Distt. Rajnandgaon

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, through the Secretary, School Education Department, Ministry of Education, D.K.S. Bhawan, Raipur (C.G).
2. The District Education Officer, Rajnandgaon (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State.

ORAL ORDER
(23.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another {W.P.(S) No. 813 of 2007} by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

In view of the above, M.(W.)P. No.1275/2003, I.A. No.2355/2006, I.A. No. 9637/2006 & I.A. No. 11288/2006 all stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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